

**Draft
Environmental Assessment**

Poorman Creek Instream Flow

1/5/2018



***Montana Fish,
Wildlife & Parks***

Draft Environmental Assessment CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. **Type of proposed state action: Administrative**
2. **Agency authority for the proposed action: Montana Fish, Wildlife & Parks**
3. **Name, address and phone number of project sponsor (if other than the agency)**
Clark Fork Coalition
140 S 4th St W #1
Missoula, MT 59801
406-542-0539
4. **Anticipated Schedule:**
Estimated Instream Flow Lease Commencement Date: 2018
Estimated Instream Flow Lease Completion Date: None (permanent acquisition)
Current Status of Project: Agreements with the landowners are already complete or nearly completed. The temporary changes to instream flow are subject to approval by the Department of Natural Resources and Conservation (DNRC).
5. **Location affected by proposed action (county, range and township – included map):**

The project is located in Lewis & Clark County in Township 14N, Range 9E, sections 25 and 36 (Figure 1). The water rights map is below (Figure 2).

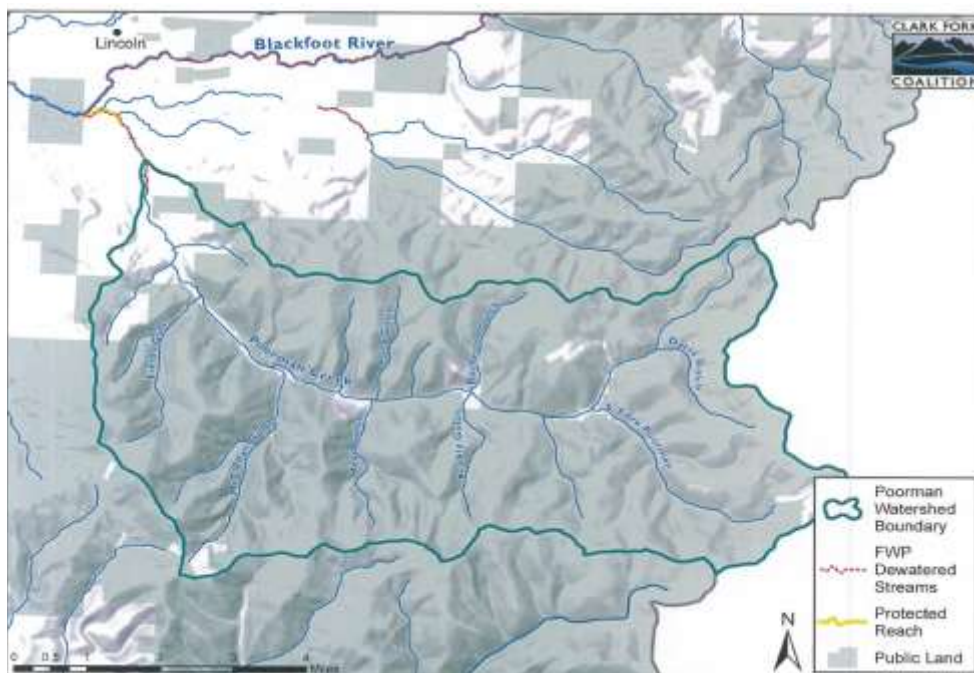


Figure 1: Poorman Creek drainage and monitoring sites

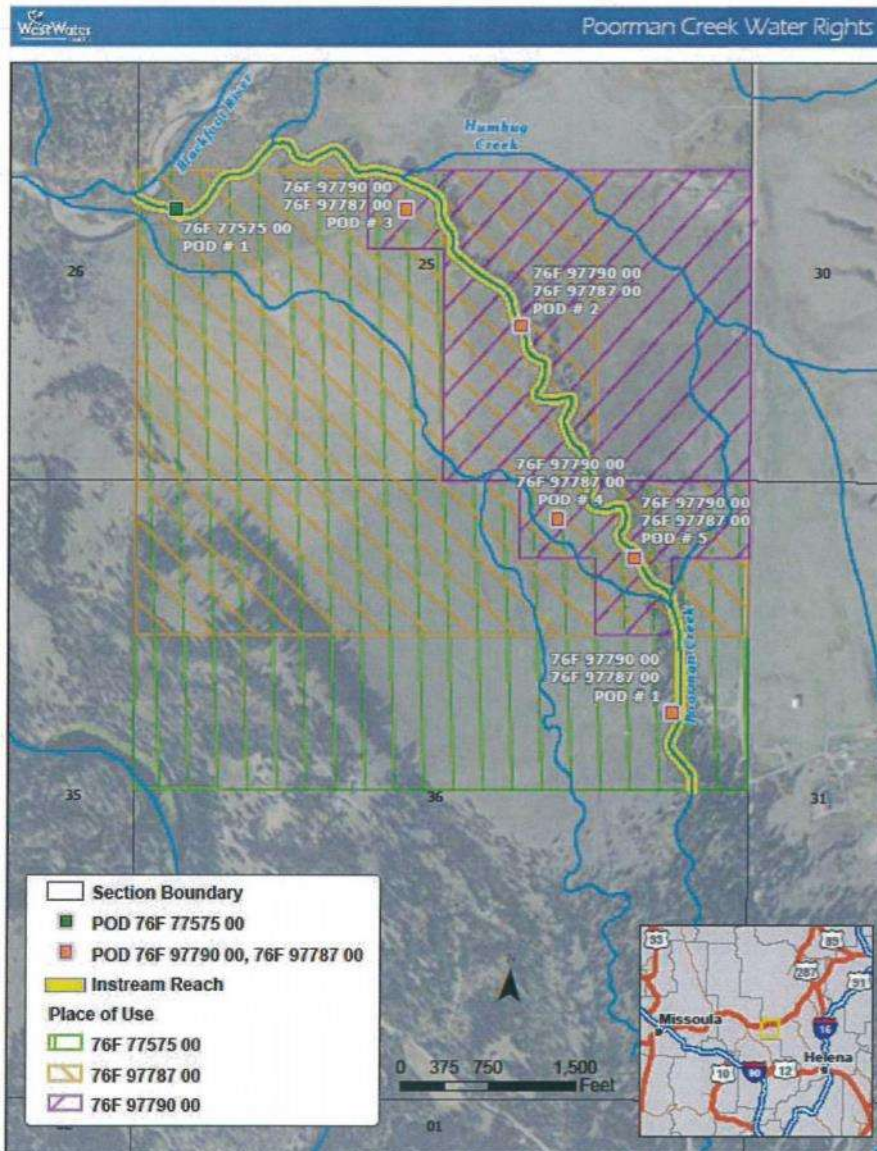


Figure 2. Water rights map for Poorman Creek.

6. **Project size -- estimate the number of acres that would be directly affected that are currently:**

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain	<u>0</u>
Residential	<u>0</u>		
Industrial	<u>0</u>	(e) Productive:	
(existing shop area)		Irrigated cropland	<u>340</u>
(b) Open Space/	<u>0</u>	Dry cropland	<u>0</u>
Woodlands/Recreation		Forestry	<u>0</u>
(c) Wetlands/Riparian	<u>0</u>	Rangeland	<u>0</u>
Areas		Other	<u>0</u>

7. Permits, Funding & Overlapping Jurisdiction.

(a) **Permits:** permits will be filed at least 2 weeks prior to project start.

<u>Agency Name</u>	<u>Permits</u>
DNRC	Water Right Change Application

(b) **Funding:**

<u>Agency Name</u>	<u>Funding Amount</u>
Future Fisheries Improvement Program	\$54,700
Montana DNRC State Water Projects Bureau	\$492,300

(c) **Other Overlapping or Additional Jurisdictional Responsibilities:**

<u>Agency Name</u>	<u>Type of Responsibility</u>
DNRC	facilitates water resources issues

8. Narrative summary of the proposed action:

Poorman Creek is a tributary to the Blackfoot River and supports populations of pure Westslope Cutthroat Trout and Bull Trout (Lewis & Clark County). Poorman Creek is a high priority stream and is listed as critical Bull Trout habitat. Low streamflow has been identified as a limiting factor in Bull Trout recruitment from Poorman Creek.

Before the water rights to be acquired in this transaction were changed to instream flow 15 years ago, the stream would regularly dry up in the late summer/early fall. Trout Unlimited has worked with the water rights owner to increase flows in Poorman Creek, and now the Clark Fork Coalition would like to hold the title to the water rights and partner on restoration efforts.

The Clark Fork Coalition is pursuing the permanent acquisition of senior surface water rights (18 cubic feet per second [cfs]) to Poorman Creek. The water rights have historically been used to irrigate 340 acres. There have been considerable water savings on the property, as the landowner converted from flood to pivot irrigation in 2003. As a result of the conversion, 15.11 cfs were temporarily converted to instream flow. This project would make that instream flow permanently protected. Irrigation would continue through a partial season limited irrigation arrangement of 3.3 cfs with a minimum flow agreement, leased back to the landowner. The goal is to permanently keep the stream reach from dewatering and retain valuable habitat for fish and aquatic species.

A valuation of the water right was performed to ensure the project is cost effective.

9. Description and analysis of reasonable alternatives:

Alternative A: Fund the water purchase and secure streamflow long term.

Alternative B: Do not fund the water purchase and fail to legally protect instream flow.

10. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

The temporary changes to instream flow will need to be approved by DNRC. DNRC will evaluate potential adverse effects to other water users and will condition the temporary change as necessary to prevent adverse effects to other water users.

PART II. ENVIRONMENTAL REVIEW CHECKLIST

Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Geology and soil quality, stability and moisture				X		
2. Air quality or objectionable odors				X		
3. Water quality, quantity and distribution (surface or groundwater)				X		
4. Existing water right or reservation			X			X
5. Vegetation cover, quantity and quality				X		
6. Unique, endangered, or fragile vegetative species				X		
7. Terrestrial or aquatic life and/or habitats				X		
8. Unique, endangered, or fragile wildlife or fisheries species				X		
9. Introduction of new species into an area				X		
10. Changes to abundance or movement of species			X			X

4. Existing water right or reservation.

This project does not change water rights of other landowners. It does, however, secure instream flow from water users (see Figure 2). The project is purely administrative, protecting water formerly used for irrigation within the stream, while retaining some irrigation throughout the year.

10. Changes to abundance or movement of species.

This project will have a positive impact on abundance and movement of species, as streamflow recovery has improved the fishery and legal protection of water will provide benefits for perpetuity.

B. HUMAN ENVIRONMENT

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Noise and/or electrical effects				X		
2. Land use				X		
3. Risk and/or health hazards				X		
4. Community impact				X		
5. Public services/taxes/utilities				X		
6. Potential revenue and/or project maintenance costs				X		
7. Aesthetics and recreation				X		
8. Cultural and historic resources				X		
9. Evaluation of significance				X		
10. Generate public controversy				X		

PART III. NARRATIVE EVALUATION AND COMMENT

There are no anticipated cumulative effects.

PART IV. PUBLIC PARTICIPATION

1. Public involvement:

The public will be notified in the following manners to comment on this current EA, the proposed action and alternatives:

- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>.

This level of public notice and participation is appropriate for a project of this scope having limited impacts and is administrative in nature.

PART V. EA PREPARATION

1. Based on the significance criteria evaluated in this EA, is an EIS required? NO If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.

We conclude, from this review, that the proposed activities will have an overall positive impact on the physical and human environment, and will therefore not require the extensive analysis associated with an EIS.

2. Person(s) responsible for preparing the EA:

Michelle McGree, Program Officer
Montana Fish, Wildlife & Parks
1420 East 6th Avenue, PO Box 200701
Helena, MT 59620
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e-mail: mmcgree@mt.gov

3. List of agencies or offices consulted during preparation of the EA:

Jed Whiteley, Clark Fork Coalition